



Wednesday
October 29, 1997

Part LXII

Surface Transportation Board

Semiannual Regulatory Agenda

SURFACE TRANSPORTATION BOARD (STB)

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

49 CFR Ch. X

[STB Ex Parte No. 536; Sub-No. 3]

Semiannual Regulatory Agenda

AGENCY: Surface Transportation Board, DOT.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Surface Transportation Board, in accordance with the requirements of the Regulatory Flexibility Act, is publishing a semiannual agenda of: (1) Current and projected rulemakings and (2) existing regulations being reviewed to determine whether to propose modifications through rulemaking. Listed below are the regulatory actions to be developed or reviewed during the next 12 months. Following each rule identified is a brief description of the rule including its purpose and legal basis.

FOR FURTHER INFORMATION CONTACT: A contact person is identified for each of the rules listed below.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act, 5 U.S.C. 601

et seq. (RFA), sets forth a number of requirements for agency rulemaking. Among other things, the RFA requires that, during the months of April and October of each year, each agency shall publish in the **Federal Register** a regulatory flexibility agenda which shall contain:

(1) A brief description of the subject area of any rule which the agency expects to propose or promulgate which is likely to have a significant economic impact on a substantial number of small entities;

(2) A summary of the nature of any such rule under consideration for each subject area listed in the agenda pursuant to paragraph (1), the objectives and legal basis for the issuance of the rule, and an approximate schedule for completing action on any rule for which the agency has issued a general notice of proposed rulemaking; and

(3) The name and telephone number of an agency official knowledgeable concerning the items listed in paragraph (1).

Accordingly, a list of proceedings appears below containing information about subject areas in which the Board is currently conducting rulemaking proceedings or may institute such

proceedings in the near future. It also contains information about existing regulations being reviewed to determine whether to propose modifications through rulemaking.

The agenda represents the Board's best estimate of rules which will be considered over the next 12 months. However, section 602(d) of the RFA, 5 U.S.C. 602(d), provides: "Nothing in [section 602] precludes an agency from considering or acting on any matter not included in a regulatory flexibility agenda or requires an agency to consider or act on any matter listed in such agenda."

The Board is publishing its October 1997 regulatory flexibility agenda as part of the Unified Agenda of Federal Regulatory and Deregulatory Actions. The Unified Agenda of Federal Regulatory and Deregulatory Actions is coordinated by the Office of Management and Budget pursuant to Executive Order 12866. The Board is participating in the program voluntarily to assist OMB.

Decided: July 25, 1997.
By the Board, Chairman Morgan and Vice Chairman Owen.

Vernon A. Williams,
Secretary.

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
4567	Expedited Procedures for Processing Simplified Rail Rate Reasonableness Proceedings, STB Ex Parte No. 527 (Sub-No. 1)	2140-AA24

Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
4568	Railroad Consolidation Procedures: Class Exemption for Transactions Subject to the Statutory Consolidation Provision, Ex Parte No. 282 (Sub-No. 15)	2140-AA03
4569	Rail General Exemption Authority—Exemption of Paints, Enamels, Lacquers, Shellacs, Etc., Ex Parte No. 346 (Sub-No. 33)	2140-AA05
4570	Revisions to Regulations Governing Finance Applications Involving Motor Passenger Carriers, STB Ex Parte No. 559	2140-AA37
4571	Rail General Exemption Authority—Nonferrous Recyclables, STB Ex Parte No. 561	2140-AA39
4572	Service Obligations Over Excepted Track, STB Ex Parte No. 564	2140-AA41

STB**Completed Actions**

Sequence Number	Title	Regulation Identifier Number
4573	Rail General Exemption Authority—Exemption of Non-Ferrous Recyclables and Railroad Rates on Recyclable Commodities, Ex Parte No. 346 (Sub-No. 36)	2140-AA06
4574	Petition for Rulemaking—Invoiceless Billing Transactions, Ex Parte No. 55 (Sub-No. 95)	2140-AA07
4575	Removal of Obsolete Regulations Concerning Rail Passenger Fare Increases, STB Ex Parte No. 624	2140-AA23
4576	Regulations for the Publication, Posting and Filing of Tariffs for the Transportation of Property by or With a Water Carrier in the Noncontiguous Domestic Trade, STB Ex Parte No. 618	2140-AA34
4577	Arbitration of Certain Disputes Subject to the Statutory Jurisdiction of the Surface Transportation Board, STB Ex Parte No. 560	2140-AA38
4578	Commuter Rail Service Continuation Subsidies and Discontinuance Notices, STB Ex Parte No. 563	2140-AA40
4579	Acquisition of Rail Lines Under 49 USC 10901 and 10902—Advance Notice of Proposed Transactions, STB Ex Parte No. 562	2140-AA42

SURFACE TRANSPORTATION BOARD (STB)**Proposed Rule Stage****4567. EXPEDITED PROCEDURES FOR PROCESSING SIMPLIFIED RAIL RATE REASONABLENESS PROCEEDINGS, STB EX PARTE NO. 527 (SUB-NO. 1)**

Priority: Substantive, Nonsignificant.
Major status under 5 USC 801 is undetermined.

Unfunded Mandates: Undetermined

Legal Authority: 49 USC 10704(c)(2); 49 USC 10704(d)

CFR Citation: 49 CFR 1111

Legal Deadline: None

Abstract: The Surface Transportation Board is soliciting comments on

establishing a general procedural schedule to be used in cases processed under the simplified rate evaluation procedures adopted in Rate Guidelines - Non-Coal Proceedings, Ex Parte No. 347 (Sub-No. 2), served December 31, 1996.

Timetable:

Action	Date	FR Cite
ANPRM	02/12/97	62 FR 6508
ANPRM Comment Period End	03/14/97	
NPRM	09/24/97	62 FR 50550
NPRM Comment Period End	11/10/97	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Thomas J. Stilling, Attorney, Surface Transportation Board, 1925 K Street NW., Washington, DC 20423-0001

Phone: 202 565-1567

TDD: 202 565-1695

Fax: 202 565-9002

RIN: 2140-AA24

SURFACE TRANSPORTATION BOARD (STB)**Long-Term Actions****4568. RAILROAD CONSOLIDATION PROCEDURES: CLASS EXEMPTION FOR TRANSACTIONS SUBJECT TO THE STATUTORY CONSOLIDATION PROVISION, EX PARTE NO. 282 (SUB-NO. 15)**

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 10321; 49 USC 10505; 49 USC 11341; 49 USC 11343 to 11346; 11 USC 1172; 45 USC 904; 45 USC 915; 5 USC 553; 5 USC 559

CFR Citation: 49 CFR 1180

Legal Deadline: None

Abstract: The Board is considering whether to expand the "nonconnecting carrier" class exemption to embrace all transactions subject to the statutory

consolidation provision, except (1) transactions involving the merger or control of at least two class I railroads; (2) transactions involving a reduction in the number of noncommonly controlled railroads serving any two points; (3) transactions involving a reduction from three to two in the number of noncommonly controlled railroads serving any interchange points.

Timetable:

Action	Date	FR Cite
NPRM	07/14/92	57 FR 31165
NPRM Comment Period End	08/30/92	
Internal Review of Comments	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Statutory references to title 49 of the United States Code are prior to their amendment by the ICC Termination Act of 1995, Pub. L. 104-88, 109 Stat. 803, which became effective on January 1, 1996.

Agency Contact: Joseph H. Dettmar, Deputy Director, Office of Proceedings, Surface Transportation Board, 1925 K Street NW., Washington, DC 20423-0001

Phone: 202 565-1609

TDD: 202 565-1695

Fax: 202 565-9002

RIN: 2140-AA03

STB

Long-Term Actions

4569. RAIL GENERAL EXEMPTION AUTHORITY—EXEMPTION OF PAINTS, ENAMELS, LACQUERS, SHELLACS, ETC., EX PARTE NO. 346 (SUB-NO. 33)**Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 10321; 49 USC 10505; 49 USC 10708; 49 USC 10762; 49 USC 11105; 5 USC 553**CFR Citation:** 49 CFR 1039**Legal Deadline:** None**Abstract:** The Board is investigating whether to exempt from regulation the rail transportation of paints, enamels, lacquers, shellacs, and other commodities included within Standard Transportation Commodity Code (STCC) No. 285.**Timetable:**

Action	Date	FR Cite
NPRM	10/21/93	58 FR 54318
NPRM Comment Period End	11/22/93	
Internal Review of Comments	00/00/00	

Small Entities Affected: None**Government Levels Affected:** None**Additional Information:** Statutory references to title 49 of the United States Code are prior to their amendment by the ICC Termination Act of 1995, Pub. L. No. 104-88, 109 Stat. 803, which became effective on January 1, 1996.**Agency Contact:** Joseph H. Dettmar, Deputy Director, Office of Proceedings, Surface Transportation Board, 1925 K Street NW., Washington, DC 20423-0001

Phone: 202 565-1609

TDD: 202 565-1695

Fax: 202 565-9002

RIN: 2140-AA05**4570. • REVISIONS TO REGULATIONS GOVERNING FINANCE APPLICATIONS INVOLVING MOTOR PASSENGER CARRIERS, STB EX PARTE NO. 559****Priority:** Substantive, Nonsignificant**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.**Legal Authority:** 5 USC 552(a)(4)(A); 5 USC 553; 31 USC 9701; 49 USC 721(a); 49 USC 14303**CFR Citation:** 49 CFR 1002.2(f)(2); 49 CFR 1002.2(f)(5); 49 CFR 1182; 49 CFR 1187; 49 CFR 1188**Legal Deadline:** None**Abstract:** The Surface Transportation Board has proposed to revise the procedures governing finance applications involving motor passenger carriers filed under 49 USC 14303. The proposed procedures adopt, with modifications, the existing procedures promulgated by the Interstate Commerce Commission. The regulations at 49 CFR parts 1187 and 1188 are proposed to be removed and replaced by new provisions incorporated at 49 CFR part 1182.**Timetable:**

Action	Date	FR Cite
NPRM	07/08/97	62 FR 36477
NPRM Comment Period End	08/07/97	
Internal Review of Comments	00/00/00	

Small Entities Affected: None**Government Levels Affected:** None**Agency Contact:** Beryl Gordon, Deputy Director, Office of Proceedings, Surface Transportation Board, 1925 K Street NW., Washington, DC 20423-0001

Phone: 202 565-1600

TDD: 202 565-1695

Fax: 202 565-9002

RIN: 2140-AA37**4571. • RAIL GENERAL EXEMPTION AUTHORITY—NONFERROUS RECYCLABLES, STB EX PARTE NO. 561****Priority:** Substantive, Nonsignificant**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.**Legal Authority:** 5 USC 553; 49 USC 10502; 49 USC 13301**CFR Citation:** 49 CFR 1039**Legal Deadline:** None**Abstract:** The Surface Transportation Board is considering whether to exempt from regulation 29 nonferrous recyclables.**Timetable:**

Action	Date	FR Cite
NPRM	05/16/97	62 FR 27003

Action	Date	FR Cite
NPRM Comment Period End	07/15/97	
Internal Review of Comments	00/00/00	

Small Entities Affected: None**Government Levels Affected:** None**Additional Information:** This rulemaking embraces and expands the proposed rulemaking in Ex Parte No. 346 (Sub-No. 36), which was issued by the former Interstate Commerce Commission. That proceeding was discontinued on May 5, 1997.**Agency Contact:** Beryl Gordon, Deputy Director, Office of Proceedings, Surface Transportation Board, 1925 K Street NW., Washington, DC 20423-0001

Phone: 202 565-1600

TDD: 202 565-1695

Fax: 202 565-9002

RIN: 2140-AA39**4572. • SERVICE OBLIGATIONS OVER EXCEPTED TRACK, STB EX PARTE NO. 564****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 553**CFR Citation:** None**Legal Deadline:** None**Abstract:** The Surface Transportation Board requested comments from all interested persons on the circumstances under which it should require a railroad to operate over excepted track that does not meet Federal Railroad Administration class 1 track safety standards, and that the operating railroad deems to be unsafe.**Timetable:**

Action	Date	FR Cite
NPRM	05/07/97	62 FR 24896
NPRM Comment Period End	08/05/97	
Internal Review of Comments	00/00/00	

Small Entities Affected: None**Government Levels Affected:** None**Agency Contact:** Joseph H. Dettmar, Deputy Director, Office of Proceedings, Surface Transportation Board, 1925 K Street NW., Washington, DC 20423-0001

Phone: 202 565-1600

TDD: 202 565-1695

Fax: 202 565-9002

RIN: 2140-AA41

SURFACE TRANSPORTATION BOARD (STB)

Completed Actions

4573. RAIL GENERAL EXEMPTION AUTHORITY—EXEMPTION OF NON-FERROUS RECYCLABLES AND RAILROAD RATES ON RECYCLABLE COMMODITIES, EX PARTE NO. 346 (SUB-NO. 36)**Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 10321; 49 USC 10505; 49 USC 10731; 49 USC 10707a; 5 USC 553**CFR Citation:** 49 CFR 1039; 49 CFR 1145**Legal Deadline:** None**Abstract:** The Board is considering whether to exempt from regulation the rail transportation of nonferrous recyclables subject to exemptions.**Timetable:**

Action	Date	FR Cite
NPRM	08/24/94	59 FR 43529
Comment Period Extended to 10/24/94	09/15/94	59 FR 47292
NPRM Comment Period End	09/23/94	59 FR 43529
Comment Period Extended to 11/07/94	10/26/94	59 FR 53775
Withdrawn	05/16/97	62 FR 27002

Small Entities Affected: None**Government Levels Affected:** None**Additional Information:** Because the ICC Termination Act of 1995 significantly changed the basis for the notice of proposed rulemaking in this proceeding, this proceeding was discontinued and a new notice of proposed rulemaking was issued in STB Ex Parte No. 561.**Agency Contact:** Beryl Gordon, Deputy Director, Office of Proceedings, Surface Transportation Board, 1925 K Street NW., Washington, DC 20423-0001
Phone: 202 565-1616
TDD: 202 565-1695
Fax: 202 565-9002**RIN:** 2140-AA06**4574. PETITION FOR RULEMAKING—INVOICELESS BILLING TRANSACTIONS, EX PARTE NO. 55 (SUB-NO. 95)****Priority:** Substantive, Nonsignificant**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.**Legal Authority:** 49 USC 10321; 49 USC 11144; 5 USC 553**CFR Citation:** 49 CFR 1051; 49 CFR 1220**Legal Deadline:** None**Abstract:** The portion of this proposed rulemaking pertaining to modes other than motor carriers has been discontinued. The remainder of this proceeding has been transferred to the Federal Highway Administration.**Timetable:**

Action	Date	FR Cite
ANPRM	08/09/95	60 FR 40548
ANPRM Comment Period End	10/10/95	
Withdrawn	04/15/97	

Small Entities Affected: None**Government Levels Affected:** None**Additional Information:** Statutory references to title 49 of the United States Code are prior to their amendment by the ICC Termination Act of 1995, Pub. L. No. 104-88, 109 Stat. 803, which became effective on January 1, 1996.**Agency Contact:** Beryl Gordon, Deputy Director, Office of Proceedings, Surface Transportation Board, 1925 K Street NW., Washington, DC 20423-0001
Phone: 202 565-1616
TDD: 202 565-1695
Fax: 202 565-9002**RIN:** 2140-AA07**4575. REMOVAL OF OBSOLETE REGULATIONS CONCERNING RAIL PASSENGER FARE INCREASES, STB EX PARTE NO. 624****Priority:** Substantive, Nonsignificant**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will eliminate existing text in the CFR.**Legal Authority:** PL 104-88, sec 204**CFR Citation:** 49 CFR 1136**Legal Deadline:** None**Abstract:** The Surface Transportation Board has removed obsolete regulations concerning rail passenger carrier or suburban fare increases.**Timetable:**

Action	Date	FR Cite
NPRM	02/24/97	62 FR 8209
NPRM Comment Period End	03/06/97	

Action	Date	FR Cite
Final Action	06/18/97	62 FR 33028
Final Action Effective	07/18/97	

Small Entities Affected: None**Government Levels Affected:** None**Agency Contact:** Beryl Gordon, Deputy Director, Office of Proceedings, Surface Transportation Board, 1925 K Street NW., Washington, DC 20423-0001
Phone: 202 565-1616
TDD: 202 565-1695
Fax: 202 565-9002**RIN:** 2140-AA23**4576. REGULATIONS FOR THE PUBLICATION, POSTING AND FILING OF TARIFFS FOR THE TRANSPORTATION OF PROPERTY BY OR WITH A WATER CARRIER IN THE NONCONTIGUOUS DOMESTIC TRADE, STB EX PARTE NO. 618****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 721(a); 49 USC 13702(a); 49 USC 13702(b); 49 USC 13702(d)**CFR Citation:** 49 CFR 1312**Legal Deadline:** None**Abstract:** The Surface Transportation Board has revised its tariff filing regulations to remove obsolete provisions, to provide carriers with additional flexibility to establish appropriate formats for the filed tariffs that continue to be required, and to reflect changes introduced by the ICC Termination Act of 1995.**Timetable:**

Action	Date	FR Cite
NPRM	12/20/96	61 FR 67291
NPRM Comment Period End	01/19/97	
Final Action	04/18/97	62 FR 19058
Final Action Effective	05/18/97	

Small Entities Affected: None**Government Levels Affected:** None**Agency Contact:** James W. Green, Chief, Section of Tariffs, Surface Transportation Board, 1925 K Street NW., Washington, DC 20423-0001
Phone: 202 565-1578
TDD: 202 565-1695
Fax: 202 565-9012**RIN:** 2140-AA34

STB

Completed Actions

4577. • ARBITRATION OF CERTAIN DISPUTES SUBJECT TO THE STATUTORY JURISDICTION OF THE SURFACE TRANSPORTATION BOARD, STB EX PARTE NO. 560**Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 552(a)(4)(A); 5 USC 553; 31 USC 9701; 49 USC 721(a)**CFR Citation:** 49 CFR 1002.2(f)(87); 49 CFR 1108**Legal Deadline:** None**Abstract:** The Surface Transportation Board adopted rules providing a means for the binding, voluntary arbitration of certain disputes subject to the statutory jurisdiction of the Surface Transportation Board.**Timetable:**

Action	Date	FR Cite
NPRM	04/26/97	62 FR 14385
NPRM Comment Period End	05/25/97	
Final Action	09/02/97	62 FR 48497
Final Action Effective	10/01/97	

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: Julia Farr, Chief Counsel, Office of Proceedings, Surface Transportation Board, 1925 K Street NW., Washington, DC 20423-0001
 Phone: 202 565-1613
 TDD: 202 565-1695
 Fax: 202 565-9002

RIN: 2140-AA38**4578. • COMMUTER RAIL SERVICE CONTINUATION SUBSIDIES AND DISCONTINUANCE NOTICES, STB EX PARTE NO. 563****Priority:** Substantive, Nonsignificant**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will eliminate existing text in the CFR.**Legal Authority:** PL 104-88, sec 204(a)**CFR Citation:** 49 CFR 1157**Legal Deadline:** None**Abstract:** The Surface Transportation Board removed from the Code of Federal Regulations regulations concerning subsidies for the continuation of commuter rail service and notices of the discontinuance of commuter rail service.**Timetable:**

Action	Date	FR Cite
NPRM	06/12/97	62 FR 32068
NPRM Comment Period End	07/14/97	
Final Action	08/27/97	62 FR 45334
Final Action Effective	09/26/97	

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: Beryl Gordon, Deputy Director, Office of Proceedings, Surface Transportation Board, 1925 K Street NW., Washington, DC 20423-0001
 Phone: 202 565-1600
 TDD: 202 565-1695
 Fax: 202 565-9002

RIN: 2140-AA40**4579. • ACQUISITION OF RAIL LINES UNDER 49 USC 10901 AND 10902—ADVANCE NOTICE OF PROPOSED TRANSACTIONS, STB EX PARTE NO. 562****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 553; 49 USC 10502; 49 USC 10704**CFR Citation:** 49 CFR 1121.4; 49 CFR 1150.32; 49 CFR 1150.42; 49 CFR 1150.45**Legal Deadline:** None**Abstract:** The Board adopted an amendment to its exemption procedures to provide rail employees who work on certain lines proposed to be transferred to a new owner or operator with 60 days' notice and information about the types and number of jobs expected to be available with the new operator.**Timetable:**

Action	Date	FR Cite
NPRM	05/01/97	62 FR 23742
NPRM Comment Period End	06/02/97	
Final Action	09/09/97	62 FR 47583
Final Action Effective	10/10/97	

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: Joseph H. Dettmar, Deputy Director, Office of Proceedings, Surface Transportation Board, 1925 K Street NW., Washington, DC 20423
 Phone: 202 565-1600
 TDD: 202 565-1695
 Fax: 202 565-9002

RIN: 2140-AA42

[FR Doc. 97-22248 Filed 10-28-97; 8:45 am]

BILLING CODE 4915-00-F